

Introduced by Senator Florez

February 22, 2005

An act to amend Section 2910.5 of the Penal Code, relating to community correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 946, as introduced, Florez. Community correctional facilities.

Existing law authorizes the Director of Corrections to enter into contracts of up to 20 years with a city, county, or city and county for placement in local facilities of parole violators and other state inmates.

This bill would authorize entering into 20-year contracts and would require the director to renew these contents, except, as specified. The bill would revise calculations of reimbursement for costs incurred by local entities for housing inmates pursuant to the contracts. The bill would provide that disputes arising from the contract would be resolved by administrative adjudication, with the Department of Corrections bearing the costs of adjudication.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2910.5 of the Penal Code is amended to
2 read:
3 2910.5. (a) Pursuant to Section 2910, the Director of
4 Corrections may enter into ~~a one or more long-term agreement~~
5 ~~not to exceed~~ *agreements for a term of 20 years* with a city,
6 county, or city and county to place parole violators and other
7 state inmates in a facility which is specially designed and built
8 for the incarceration of parole violators and specified state prison

1 inmates. *With the consent of the city, county, or city and county,*
2 *the director shall renew the contract previously entered into*
3 *pursuant to this section, for an additional 20 years, unless the*
4 *director determines that the city, county, or city and county had*
5 *materially breached the terms of the contract and refuses to*
6 *correct the breach, and that the per capita costs of housing*
7 *parole violators or other state inmates in a facility exceeds the*
8 *per capita costs of housing the same persons in an institution*
9 *listed in Section 5003.*

10 (b) The agreement shall provide that persons providing
11 security at the facilities shall be peace officers as defined in
12 Sections 830.1 and 830.55 who have satisfactorily met the
13 minimum selection and training standards prescribed by the
14 Board of Corrections for local correctional personnel established
15 under Section 6035.

16 (c) A parole violator or other inmate may be confined in a
17 facility established under this section.

18 (1) If convicted within the last 10 years of a violent felony, as
19 defined in subdivision (c) of Section 667.5, or convicted of a
20 crime, as defined in Sections 207, 210.5, 214, 217.1, or 220, or if
21 that person has a history of escape or attempted escape, the
22 Department of Corrections, prior to placing the parole violator or
23 inmate in the facility, shall review each individual case to make
24 certain that this placement is in keeping with the need to protect
25 society.

26 (2) No inmate or parole violator who has received a sentence
27 of life imprisonment within the past 20 years shall be eligible.

28 (3) The superintendent of the facility also shall review each
29 individual case where the inmate or parolee has been convicted
30 within the last 10 years of a crime specified in this subdivision
31 and shall ascertain whether this is an appropriate placement. The
32 superintendent shall reject those whom he or she determines are
33 inappropriate due to their propensity for violence or escape and
34 shall submit written findings for the rejection to the Department
35 of Corrections.

36 (4) No *inmate or* parole violator who receives a revocation
37 sentence greater than 12 months shall be confined in a facility
38 established under this section.

39 (5) The Department of Corrections shall establish additional
40 guidelines as to inmates eligible for the facilities.

~~(d) In determining the reimbursement rate pursuant to an agreement entered into pursuant to subdivision (a), the director shall take into consideration the costs incurred by the city, county, or city and county for services and facilities provided and any other factors that are necessary and appropriate to fix the obligations, responsibilities, and rights of the respective parties.~~

(1) The department shall annually establish a reimbursement rate for each city, county, and city and county owned facility which takes into consideration the costs incurred by the city, county, or city and county to operate the facility and provide the services described in the contract, including, but not limited to, the costs of complying with new or additional mandates and conditions imposed by the department, and the costs of maintaining staffing levels at the facility which are equivalent to the inmate-to-correctional officer ratio maintained by the department in those facilities described in Section 5003.

(2) The base year for calculating reimbursement rates shall be 1998, and reimbursement rates shall be adjusted annually from that base amount by an amount not less than the greater of the percentage change in the per capita costs of operating institutions by the department, as shown in the most recently approved department budget, or Article XIII B of the California Constitution, Appropriations spending limit, control Sections 12A, B, C, and D.

(e) Facilities operated by the county shall be under the supervision of the sheriff. Facilities operated by the city shall be under the supervision of a chief of police or a facility superintendent who shall have at least five years similar experience.

(f) Cities or counties contracting with the Department of Corrections for a facility pursuant to this section shall be responsible for managing and maintaining the security of the facility pursuant to the regulations and direction of the Director of Corrections. No city or county may contract with any private provider to manage, operate, or maintain the security of the facility.

(g) Any dispute between the department and any contracting city, county, or city and county arising out of a contract entered into pursuant to this section shall, on the written request of either party, be resolved through administrative adjudication, as

1 *contained in Chapter 5(commencing with Section 11500) of*
2 *Division 3 of Title 2 of the Government Code. The department*
3 *shall bear the costs of administrative adjudication.*

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